

SERIAL NO. 09/552,073
ATTORNEY DOCKET No.: 4526-29945

LISTING OF CLAIMS

Claims 1-25. (Canceled)

26. (Currently amended) In a payment system of a licensed money transmitter operative to maintain data records indicative of an amount of funds associated with an individual, the licensed money transmitter maintaining a network of agent terminals at various locations for disbursing funds to authorized recipients, an improvement for issuing a negotiable instrument corresponding to a predetermined direct deposit of funds on behalf of the individual, comprising:

an account maintained at a regulated financial institution and associated with the licensed money transmitter for receiving direct deposits of funds on behalf of individuals not maintaining accounts at the financial institution;

a transaction account maintained by the licensed money transmitter, the transaction account being unauthorized to accept direct deposits of funds because of regulatory restrictions, funds in the transaction account being disbursable by said agent terminals;

the financial institution responsive to a deposit of a predetermined amount of funds by direct deposit for the benefit of the individual for sweeping the funds represented by the direct deposit into the transaction account, and communicating an electronic notification to the licensed money transmitter of the direct deposit;

the licensed money transmitter being responsive to (a) a request for issuance of a negotiable instrument of a predetermined amount and (b) the electronic notification of the direct deposit of funds swept into the transaction account, for issuing a prepaid negotiable instrument in an amount equal to or less than with the amount of the direct deposit, the negotiable instrument bearing identifying information associated with the individual, for use in making financial transactions from the transaction account based on the direct deposit of funds to the financial institution,

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whereby an individual bearing the prepaid negotiable instrument may obtain funds and/or instruct that payments be made of the directly deposited funds by presentation of the negotiable instrument to an agent of the licensed money transmitter.

27. (Previously presented) The improvement of claim 26, wherein the negotiable instrument is selected from the group comprising a magnetic stripe card, a cash card, a check, a draft, a warrant, a money order, a transit check.

28. (Previously presented) The improvement of claim 26, wherein the a request for issuance of the negotiable instrument of a predetermined amount originates at a POS terminal operated by an agent of the licensed money transmitter.

29. (Previously presented) The improvement of claim 26, wherein the request for issuance of the negotiable instrument originates from an automated teller machine (ATM).

30. (Previously presented) The improvement of claim 26, wherein the transaction account is replenished by a deposit from a source other than direct deposit at the regulated financial institution.

31. (Previously presented) The improvement of claim 30, wherein the transaction account is replenished by a cash deposit via an automated teller machine (ATM), a POS terminal associated with the licensed money transmitter, or a non-direct deposit at a financial institution.

32. (Previously presented) The improvement of claim 26, wherein the individual is provided with a cash card for use in transactions associated with the transaction account.

33. (Previously presented) The improvement of claim 32, wherein the cash card includes identifying information.

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34. (Previously presented) The improvement of claim 33, wherein the cash card includes human readable identifying information on one side and a magnetic stripe on another side, the magnetic stripe being readable by a POS terminal operated by an agent of the licensed money transmitter for obtaining the account identifier from the magnetic stripe.

35. (Previously presented) The improvement of claim 33, wherein the identifying information of the cash card includes an account identifier and a customer name.

36. (Previously presented) The improvement of claim 32, wherein the cash card is an anonymous cash card and the identifying information of the cash card only includes an account identifier.

37. (Previously presented) The improvement of claim 32, wherein a personal identifying number (PIN) is associated with the cash card, and the licensed money transmitter only conducts transactions with respect to the transaction account upon presentation of the card and a corresponding PIN.

38. (Previously presented) The improvement of claim 32, wherein presentation of the cash card by an individual to a POS terminal of the licensed money transmitter is treated by the licensed money transmitter as the request for issuance of another negotiable instrument.

39. (Previously presented) The improvement of claim 32, wherein the cash card is a negotiable instrument.

40. (Previously presented) The improvement of claim 32, wherein presentation of the cash card by an individual to a POS terminal of the licensed money transmitter is treated by the licensed money transmitter as the request for disbursement of cash by an agent of the licensed money transmitter.

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41. (Previously presented) The improvement of claim 32, wherein presentation of the cash card by an individual to ATM is treated by the licensed money transmitter as the request for disbursement of cash by the ATM.

42. (Previously presented) The improvement of claim 32, wherein presentation of the cash card by an individual to a POS terminal of the licensed money transmitter or to a bank or to an ATM together with the presentation of cash is treated by the licensed money transmitter as the request for deposit of the cash to the transaction account associated with the individual.

43. (Previously presented) The improvement of claim 32, wherein the cash card is issued to an individual by the licensed money transmitter or an agent thereof after enrollment of the individual as a customer of the licensed money transmitter and provision of customer information.

44. (Previously presented) The improvement of claim 43, wherein the privilege of depositing additional funds to the transaction account is only provided to enrolled customers of the licensed money transmitter.

45. (Previously presented) The improvement of claim 32, wherein the cash card is an anonymous cash card only bearing an account number and a personal identifying number (PIN), and wherein anonymous transactions involving the transaction account may be effected upon presentation by the individual of the cash card to an agent of the licensed money transmitter and the PIN.

46. (Previously presented) The improvement of claim 45, wherein the anonymous cash card is a one-load cash card and is invalidated upon depletion of the predetermined funds in the transaction account.

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47. (Previously presented) The improvement of claim 45, wherein the anonymous cash card is converted into a regular cash card and enabled for use in connection with subsequent deposits of funds to the transaction account and further transactions upon enrollment of the individual as a customer of the licensed money transmitter.

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48. (Previously presented) A method for a licensed money transmitter to issue a prepaid negotiable instrument to an individual based on a direct deposit of funds to a regulated financial institution, comprising the steps of:

arranging for communication of notifications between a regulated financial institution and the licensed money transmitter corresponding to a direct funds deposit, the direct funds deposit corresponding to a direct deposit of funds to the account of the licensed money transmitter for the benefit of a particular individual;

at the regulated financial institution, detecting a direct deposit of funds into an account for the benefit of the particular individual;

communicating a notification of the direct deposit of funds to the licensed money transmitter;

at the regulated financial institution, automatically sweeping the total amount of the direct deposit of funds into a transaction account associated with the licensed money transmitter, the total amount of the direct deposit of funds being added to a current balance of the transaction account;

receiving from an agent of the licensed money transmitter a communication comprising a request by the individual for the issuance of a requested prepaid negotiable instrument having a predetermined value;

at the licensed money transmitter, and in response to the request for issuance of the prepaid negotiable instrument, determining that the value of the requested prepaid negotiable instrument is not in excess of the balance of the transaction account;

at the licensed money transmitter, and in response to a determination that the value of the requested prepaid negotiable instrument is not in excess of the balance of the transaction account, communicating an authorization for issue of the requested prepaid negotiable instrument to the agent; and

at the licensed money transmitter, and in response to the issuance of the requested prepaid negotiable instrument, automatically debiting the balance of the transaction account by the value of the requested negotiable instrument.

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49. (Previously presented) The method of claim 48, wherein the account at the financial institution is a first account and the transaction account is a second account, and wherein the step of automatically sweeping the total amount of the direct deposit of funds into the transaction account comprises posting a debit in the total amount of the funds in the first account and posting a credit in the total amount of the funds in the second account.

50. (Previously presented) The method of claim 48, wherein the regulated financial institution is subject to federal banking regulations and wherein the licensed money transmitter is not subject to federal banking regulations.

51. (Previously presented) The method of claim 50, wherein the regulated financial institution is a bank.

52. (Previously presented) The method of claim 48 wherein the step of determining that the value of the requested negotiable instrument is not in excess of the balance of the transaction account comprises determining that the value of the requested negotiable instrument plus any fees charged to the individual is not in excess of the balance of the transaction account.

53. (Previously presented) The method of claim 48, wherein the individual requests the issuance of multiple negotiable instruments;

wherein determining that the value of the requested negotiable instrument is not in excess of the balance of the transaction account comprises determining that the aggregate value of the requested multiple negotiable instruments is not in excess of the balance of the transaction account;

wherein communicating the authorization of the issuance of the requested negotiable instrument to the individual comprises communicating authorization of the issuance of the requested multiple negotiable instruments to the individual; and

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wherein debiting the balance of the transaction account by the value of the requested negotiable instrument comprises debiting the balance of the transaction account by the aggregate value of the requested multiple negotiable instruments.

54. (Previously presented) The method of claim 53, wherein determining that the aggregate value of the requested multiple negotiable instruments is not in excess of the balance of the transaction account comprises determining that the aggregate value of the requested multiple negotiable instruments plus any fees charged to the individual is not in excess of the balance of the transaction account.

55. (Previously presented) The method of claim 48, further comprising:
detecting a balance increase request by the individual, the balance increase request indicating that the balance of the transaction account is to be increased by a requested amount and that the individual has tendered a payment in the requested amount;
in response to the balance increase request, crediting the requested amount to the second account.

56. (Previously presented) The method of claim 48, wherein the step of determining that the value of the requested prepaid negotiable instrument is not in excess of the balance of the transaction account comprises:

at the agent of the licensed money transmitter, receiving a PIN and an account number provided by the requesting individual;

communicating the individual-provided account number and PIN to the licensed money transmitter;

at the licensed money transmitter, determining that the individual-provided account number identifies the transaction account;

at the licensed money transmitter, determining that the PIN identifies the individual as being authorized to access the transaction account; and

at the licensed money transmitter, comparing the value of the requested prepaid negotiable instrument to the balance of the transaction account.

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57. (Previously presented) The method of claim 48, further comprising the step of:
at the agent of the licensed money transmitter, and in response to receipt by the
agent of the authorization for issuance of the requested prepaid negotiable instrument,
issuing a prepaid negotiable instrument in the amount of the request, less any applicable
transaction fees.

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58. (Currently amended) A computer-controlled negotiable instrument payment system for negotiable instrument transactions conducted by a particular individual based on the direct deposit of funds at a regulated financial institution at which the particular individual does not maintain an account, comprising:

a licensed money transmitter that maintains a network of agent terminals;

an account maintained at the financial institution on behalf of the licensed money transmitter for receipt of direct deposits for the benefit of individuals not maintaining an account at the financial institution;

a computer system operated by the licensed money transmitter;

a data communications interface associated with the computer system for data communications with a transaction system of the financial institution;

an account sweep control module run by the computer system responsive to a notification received via the data communications interface from the financial institution indicating the direct deposit of funds in a predetermined deposit amount into the account at the financial institution for:

communicating a debit posting message indicating the predetermined deposit amount to the financial institution transaction system, and

~~the account sweep control module being further operative for crediting the~~ predetermined deposit amount to a transaction account maintained by the licensed money transmitter for the benefit of the individual associated with the deposit; and

a transaction control module run by the computer system and operative, in response to a request from a requesting source for issuance of a negotiable instrument in a predetermined amount for a particular individual, for:

determining whether the balance in the transaction account associated with the particular individual equals or exceeds the requested predetermined amount;

in response to a determination that the balance in the transaction account associated with the particular individual equals or exceeds the requested predetermined amount, communicating an authorization for issuance of the negotiable instrument in the requested predetermined amount to an agent terminal; and

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in response to the receipt from the agent terminal of a notification indicating the issuance of the negotiable instrument in the requested predetermined amount, posting a debit of the requested predetermined amount.

59. (Previously presented) The system of claim 58, wherein the requesting source comprises an automated teller machine (ATM), an agent point of sale (POS) terminal, or a card reader terminal.

60. (Previously presented) The system of claim 58, wherein the regulated financial institution is subject to federal banking regulations and wherein the licensed money transmitter is not subject to federal banking regulations.

61. (Previously presented) The system of claim 58, wherein the negotiable instrument is selected from the group comprising a magnetic stripe card, a cash card, a check, a draft, a warrant, a money order, a transit check.

62. (Previously presented) The system of claim 58, wherein the request for issuance of the negotiable instrument originates at a POS terminal operated by an agent of the licensed money transmitter.

63. (Previously presented) The system of claim 58, wherein the request for issuance of the negotiable instrument originates from an automated teller machine (ATM).

64. (Previously presented) The system of claim 58, wherein the transaction account is replenished by a deposit from a source other than direct deposit at the regulated financial institution.

65. (Previously presented) The system of claim 64, wherein the transaction account is replenished by a cash deposit via an automated teller machine (ATM), a POS

terminal associated with the licensed money transmitter, or a non-direct deposit at a financial institution.

66. (Previously presented) The system of claim 58, wherein the individual is provided with a cash card for use in transactions associated with the transaction account.

67. (Previously presented) The system of claim 66, wherein the cash card includes identifying information.

68. (Previously presented) The system of claim 67, wherein the cash card includes human readable identifying information on one side and a magnetic stripe on another side, the magnetic stripe being readable by a POS terminal operated by an agent of the licensed money transmitter for obtaining the account identifier from the magnetic stripe.

69. (Previously presented) The system of claim 67, wherein the identifying information of the cash card includes an account identifier and a customer name.

70. (Previously presented) The system of claim 67, wherein the cash card is an anonymous cash card and the identifying information of the cash card only includes an account identifier.

71. (Previously presented) The system of claim 67, wherein a personal identifying number (PIN) is associated with the cash card, and the licensed money transmitter only conducts transactions with respect to the transaction account upon presentation of the cash card and a corresponding PIN.

72. (Previously presented) The system of claim 66, wherein presentation of the cash card by an individual to a POS terminal of the licensed money transmitter is treated by the licensed money transmitter as the request for issuance of another negotiable instrument.

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73. (Previously presented) The system of claim 66, wherein the cash card is a negotiable instrument.

74. (Previously presented) The system of claim 66, wherein presentation of the cash card by an individual to a POS terminal of the licensed money transmitter is treated by the licensed money transmitter as the request for disbursement of cash by an agent of the licensed money transmitter.

75. (Previously presented) The system of claim 66, wherein presentation of the cash card by an individual to an ATM is treated by the licensed money transmitter as the request for disbursement of cash by the ATM.

76. (Previously presented) The system of claim 66, wherein presentation of the cash card by an individual to a POS terminal of the licensed money transmitter or to a bank or to an ATM together with the presentation of cash is treated by the licensed money transmitter as the request for deposit of the cash to the transaction account associated with the individual.

77. (Previously presented) The system of claim 66, wherein the cash card is issued to an individual by the licensed money transmitter or an agent thereof after enrollment of the individual as a customer of the licensed money transmitter and provision of customer information.

78. (Previously presented) The system of claim 77, wherein the privilege of depositing additional funds to the transaction account is only provided to enrolled customers of the licensed money transmitter.

79. (Previously presented) The system of claim 66, wherein the cash card is an anonymous cash card only bearing an account number and a personal identifying number

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(PIN), and wherein anonymous transactions involving the transaction account may be effected upon presentation by the individual of the cash card to an agent of the licensed money transmitter and the PIN.

80. (Previously presented) The system of claim 79, wherein the anonymous cash card is a one-load cash card and is invalidated upon depletion of predetermined funds in the transaction account.

81. (Previously presented) The system of claim 79, wherein the anonymous cash card is converted into a regular cash card and enabled for use in connection with subsequent deposits of funds to the transaction account and further transactions upon enrollment of the individual as a customer of the licensed money transmitter.

82. (Previously presented) The system of claim 58, wherein the transaction control module is further operative for:

receiving a balance increase request message from a POS terminal, the balance increase request message indicating that the balance of the transaction account for the benefit of the particular individual is to be increased by a requested amount and that the individual has tendered a payment in the requested amount to the agent of the licensed money transmitter; and

in response to the balance increase request, communicating a message to credit the requested amount to the balance of the transaction account for the benefit of the individual.

83. (Previously presented) The system of claim 58, wherein the operation of the transaction control module for determining that the balance in the transaction account associated with the particular individual equals or exceeds the requested predetermined amount for the negotiable instrument comprises:

receiving a PIN and an account number from the POS terminal purporting to identify a transaction account associated with the particular individual;

determining that the account number identifies a transaction account;

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determining that the PIN identifies the individual as being authorized to access the transaction account; and

comparing the predetermined amount of the requested negotiable instrument plus any applicable fees to the balance of the transaction account.

84. (Previously presented) The system of claim 58, wherein the transaction control module is further operative for authorizing the issuance of a plurality of negotiable instruments so long as the balance in the transaction account contains adequate funds therefor.

85-117 (Withdrawn)

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118. (Previously presented) A method for a licensed money transmitter to issue a prepaid negotiable instrument to an individual based on the direct deposit of funds at a regulated financial institution, comprising the steps of:

at an agent of the licensed money transmitter, providing the individual with an account number and a PIN for subsequent use in obtaining the issuance of a prepaid negotiable instrument;

at the financial institution, receiving a direct deposit of funds for the benefit of the individual for use in connection with funding the issuance of prepaid negotiable instruments;

communicating a notification message from the financial institution to the licensed money transmitter indicating the direct deposit of funds to an account associated with the licensed money transmitter for the benefit of the individual;

in response to the direct deposit of funds at the financial institution, sweeping funds in an amount corresponding to the direct deposit of funds from the account at the financial institution to the credit of a transaction account with the licensed money transmitter;

at the licensed money transmitter, receiving a request from the agent for issuance of a prepaid negotiable instrument in a predetermined amount, the request including the predetermined amount and the account number and the PIN previously provided to the individual;

at the licensed money transmitter, and in response to the request for issuance of the prepaid negotiable instrument, verifying that the balance of the transaction account associated with the account number and PIN and subsequent to the sweeping of funds equals or exceeds the predetermined amount requested for the prepaid negotiable instrument;

in response to verification at the licensed money transmitter of the account number and the PIN and that the balance of the transaction account equals or exceeds the predetermined amount requested for the prepaid negotiable instrument, communicating a message to the agent authorizing the issuance of the prepaid negotiable instrument in the predetermined amount; and

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at the agent, and in response to the message authorizing the issuance of the prepaid negotiable instrument, issuing the prepaid negotiable instrument in the requested amount, less any applicable transaction fees.

119. (Previously presented) The method of claim 118, further comprising the steps of:

subsequent to the issuance of the prepaid negotiable instrument in the requested amount, communicating a message from the agent to the licensed money transmitter indicating the issuance of the prepaid negotiable instrument;

at the licensed money transmitter, posting a debit in the amount of the prepaid negotiable instrument, less any applicable transaction fees, to the transaction account associated with the account number and the PIN.

120. (Previously presented) The method of claim 118, further comprising the step of cashing the issued negotiable instrument at the agent and providing the individual with cash.

121. (Previously presented) The method of claim 118, further comprising the steps of:
at the agent of the licensed money transmitter, receiving a request from the individual to increase the balance of the transaction account in a requested amount;

determining that the individual is authorized to increase the balance of the transaction account;

receiving from the individual a payment in a particular amount;

generating a balance increase request requesting that the transaction account be credited in the requested amount; and

communicating the balance increase request from the agent to the licensed money transmitter.

122. (Currently amended) For use by a licensed money transmitter, a computer-controlled negotiable instrument payment system for negotiable instrument transactions conducted by a particular individual based on the direct deposit of funds at a regulated financial institution at which the particular individual does not maintain an account, comprising:

a computer system operated by a licensed money transmitter;

a data communications interface associated with the computer system for data communications with a transaction system of a regulated financial institution;

an account sweep control module run by the computer system responsive to a notification received via the data communications interface from the financial institution indicating the direct deposit of funds in a predetermined deposit amount into an account at the financial institution associated with the licensed money transmitter for the benefit of individuals for whom negotiable instruments are to be issued by the licensed money transmitter, the direct deposit of funds being for the benefit of the particular individual, for:

~~the account sweep control module being further operative for~~
communicating a debit posting message indicating the predetermined deposit amount to the financial institution transaction system, and

~~the account sweep control module being further operative for crediting the~~
predetermined deposit amount to a transaction account maintained by the licensed money transmitter for the benefit of the individual associated with the deposit;

a data communications interface associated with the computer system for data communications with point of sale (POS) terminals operated by agents of the licensed money transmitter, the POS terminals comprising a negotiable instrument printer for issuing negotiable instruments; and

a transaction control module run by the computer system and operative, in response to a communication comprising a request via an agent POS terminal for issuance of a negotiable instrument in a predetermined amount for a particular individual, for:

determining whether the balance in the transaction account associated with the particular individual equals or exceeds the requested predetermined amount;

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in response to a determination that the balance in the transaction account associated with the particular individual equals or exceeds the requested predetermined amount, communicating an authorization for issuance of the negotiable instrument in the requested predetermined amount, less any applicable transaction fees, to the POS terminal; and

in response to the receipt from the POS terminal of the issuance of the negotiable instrument in the requested predetermined amount, less any applicable transaction fees, posting a debit of the requested predetermined amount, less any applicable transaction fees, to the transaction account.

123. (Previously presented) The system of claim 122, further comprising a profile database management system for management of POS terminals operated by agents of the licensed money transmitter.

124. (Previously presented) The system of claim 122, further comprising a support personnel system operatively associated with the computer system of the licensed money transmitter for providing computer support services for support personnel of the licensed money transmitter, in connection with transactions conducted with the system.

125. (Previously presented) The system of claim 122, wherein the regulated financial institution is subject to federal banking regulations and wherein the licensed money transmitter is not subject to federal banking regulations.

126. (Previously presented) The system of claim 122, wherein the regulated financial institution is a bank.

127. (Previously presented) The system of claim 122, wherein the transaction control module is further operative for:

receiving a balance increase request message from a POS terminal, the balance increase request message indicating that the balance of the transaction account for the

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benefit of the particular individual is to be increased by a requested amount and that the individual has tendered a payment in the requested amount to the agent of the licensed money transmitter; and

in response to the balance increase request, communicating a message to credit the requested amount to the balance of the transaction account for the benefit of the individual.

128. (Previously presented) The system of claim 122, wherein the operation of the transaction control module for determining that the balance in the transaction account associated with the particular individual equals or exceeds the requested predetermined amount for the negotiable instrument comprises:

receiving a PIN and an account number from the POS terminal purporting to identify a transaction account associated with the particular individual;

determining that the account number identifies a transaction account;

determining that the PIN identifies the individual as being authorized to access the transaction account; and

comparing the predetermined amount of the requested negotiable instrument plus any applicable fees to the balance of the transaction account.

129. (Previously presented) The system of claim 122, wherein the transaction control module is further operative for authorizing the issuance of a plurality of negotiable instruments so long as the balance in the transaction account contains adequate funds therefor.

130-157 (Withdrawn)

RECORD OF INTERVIEW

On October 25, 2005, the undersigned spoke with Examiner Colbert by telephone to discuss the rejection. The applicants and the undersigned appreciate the courtesy extended by the examiner during this discussion.

Pursuant to 37 C.F.R. § 1.133(b), the following is submitted as a complete written statement of the reasons presented at the interview as warranting favorable action. The following statement is intended to comply with the requirements of MPEP § 713.04 and expressly sets forth: (A) a brief description of the nature of any exhibit shown or any demonstration conducted; (B) identification of the claims discussed; (C) identification of specific prior art discussed; (D) identification of the principal proposed amendments of a substantive nature discussed; (E) the general thrust of the principal arguments; and (F) a general indication of any other pertinent matters; and (G) the general results or outcome of the interview, if appropriate.

Statement:

(A) No exhibits were shown or discussed.

(B) Independent claims 26, 48, 58, 118, and 122 were discussed generally; only claims 26 and 122 were specifically discussed.

(C) U.S. Patent No. 5,650,604 to *Marcous et al.* was discussed.

(D) The amendments discussed are as set forth in this document.

(E) The general thrust of the discussion was as set forth in the Remarks section of this document. All amendments, arguments, and remarks in this paper are in accordance with the discussion with the examiner.

(F) There was also discussion of providing a more descriptive title and abstract.

(G) No agreement was reached during the interview regarding the claims.

In the event that the foregoing record is not considered complete and accurate, the examiner is respectfully requested to bring any incompleteness or inaccuracy to the attention of the undersigned.